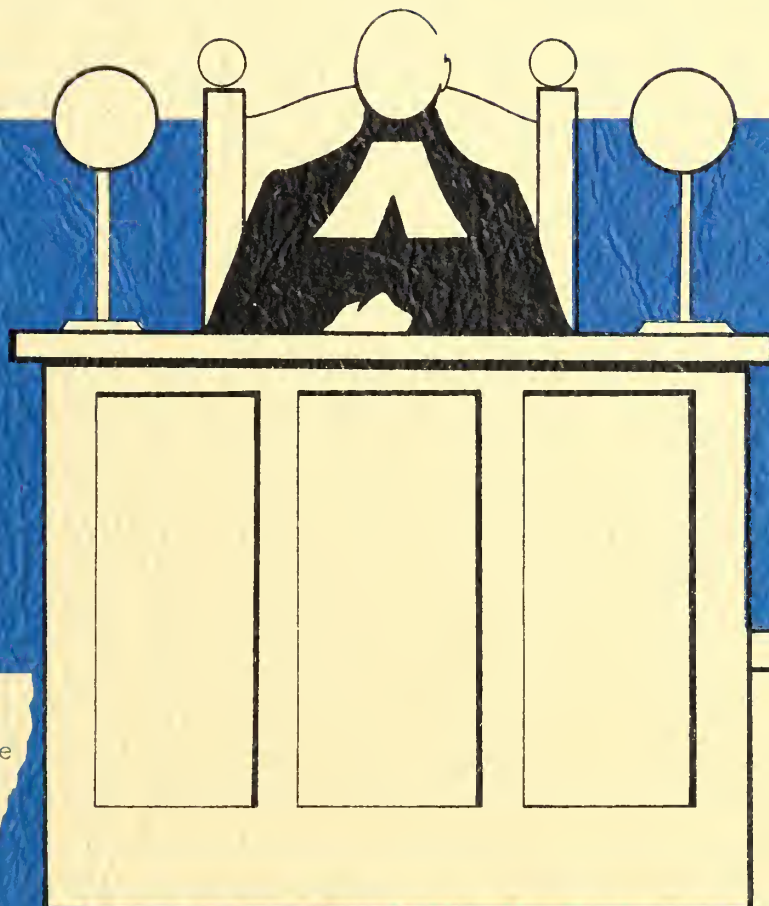


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LAW 30

This guide is a service publication only. The official statement regarding the content of the course is contained in the *Senior High School Program of Studies*. The information in the Curriculum Guide is prescriptive only insofar as it duplicates the content of the *Senior High School Program of Studies*. As well as content, the Curriculum Guide contains a description of performance objectives, suggested activities for their development and evaluation, suggestions for use of teaching aids and additional reference books.

ACKNOWLEDGEMENT

Alberta Education acknowledges with appreciation the contributions of the members of the Law 30 Ad Hoc Committee, the teachers of the pilot classes, the principals of Bowness Composite High School, Dr. E.P. Scarlett High School and Western Canada High School for scheduling the pilot classes, and the Calgary Board of Education for cooperation in the unique manner in which this course was developed.


The Law 30 Ad Hoc Curriculum Committee functioned under the guidance of the Business Education Curriculum Coordinating Committee.

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LAW 30 CURRICULUM GUIDE

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I ALBERTA BUSINESS EDUCATION PROGRAM

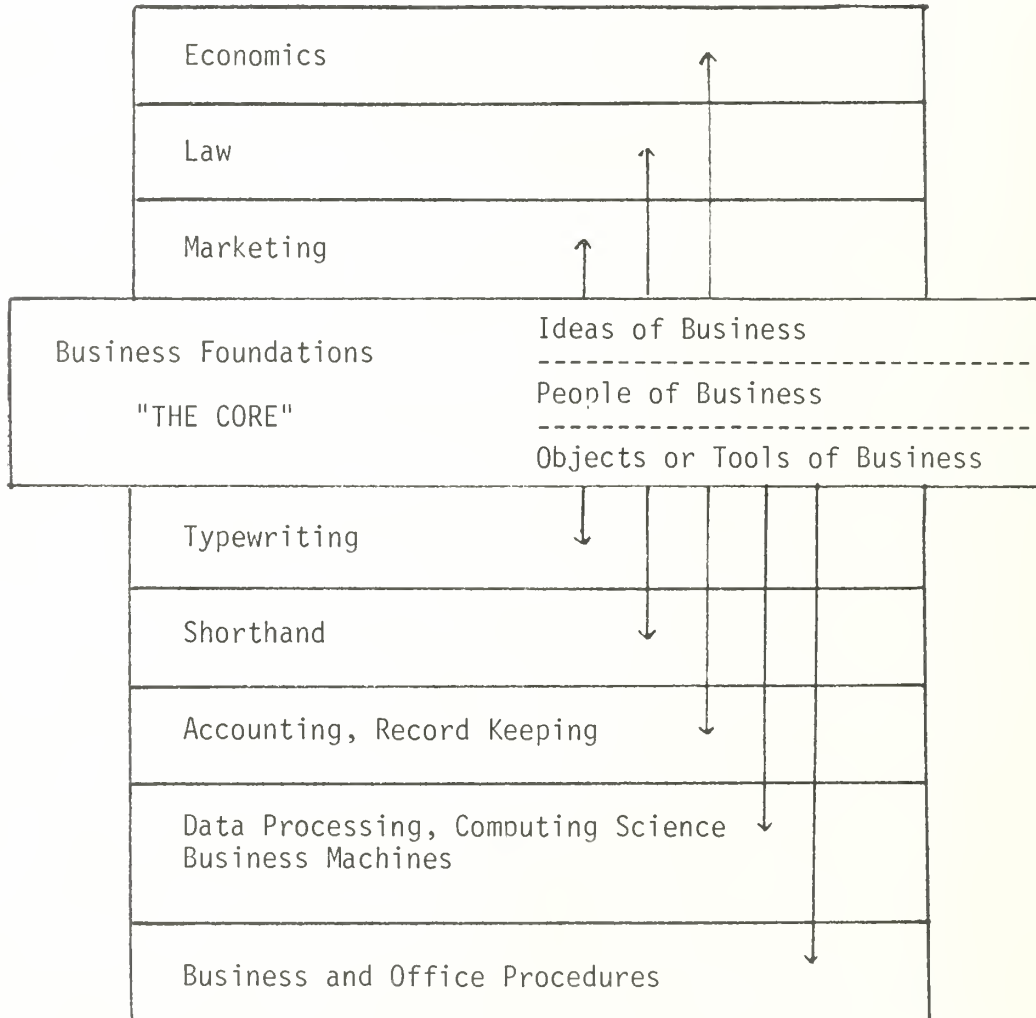
The curriculum for business education has been developed to serve all students in Alberta's secondary schools. Its flexibility permits the selection of one or more courses to complement a program, or the selection of a group of courses to comprise a major area of study. The purpose is to contribute to the general education and to the vocational preparation of high school students.

General Objectives of Alberta Business Education Program

1. To provide a meaningful study of the business environment including the ideas, people and objects or tools of business.
2. To provide for the development and acquisition of business knowledge and skills which will be most useful and durable in a rapidly changing society.
3. To provide an opportunity for students to elect and pursue individual interests and specialization in the study of the business environment.
4. To provide for individual development in the behaviours of thinking, acting and feeling.
5. To develop the thinking strategies and problem-solving abilities of students.
6. To provide an opportunity for students to relate and apply learning in business education and other areas of study.
7. To expose students to the vast laboratory of business for the purpose of acquiring information, gaining experience and testing ideas and hypotheses.

Schema of the Business Education Program

The following schema was developed based on the preceding objectives of the Alberta Business Education Program. It shows the relationship of the various subjects. Business Foundations is the core of the program. Some subjects emphasize the ideas of business; others emphasize the objects or tools. People in business is the unifying aspect in all subjects relating the ideas with the objects and tools of business.



II LAW 30 - 5 CREDITS

General Objectives

1. To develop an understanding of our legal heritage and our judicial system.
2. To provide the student with the opportunity to study in depth his responsibilities and rights, and the relationship of these to the responsibilities and rights of others.
3. To help students understand the appropriate use of legal advice and services.
4. To encourage students to pursue individual interests in current law topics and issues.

Primary References

Spetz, TAKE NOTICE, 1977, Pitman Publishing Limited, and Study Guide.

At least one of the supplementary texts listed on page 25 should be used as well.

Scope

Topics 1,2,3,4, and one or more items from Topic 5.

III PREAMBLE TO LAW 30

The Law 30 program is recommended for those students who wish to extend their enquiry into selected topics of law.

Law 30 is a five credit course.

Topics 1 through 5 are compulsory although topic 5 will include a choice of at least one of the listed subtopics.

The generalizations and performance objectives suggested are considered to be minimal and are intended as a guide. It is anticipated that teachers will add to these to accommodate the scope of the program and student interest.

IV PROGRAM OF STUDIES, LAW 30

Topic One: Legal Heritage

1. Need for Law
 - Individual
 - Societal
2. Historical Development of Western Law
 - Influence of Past Civilizations
 - Effect of Selected People and Events
3. Canadian Legal Framework
 - BNA Act
 - Judiciary Decisions
 - Custom and Usage
 - Statutes
4. Classification of Legal System
 - Court System in Alberta
 - Enforcing Agencies
 - Helping Agencies

Topic Two: Criminal Law

1. Scope of Criminal Law
 - History
 - Fundamental Assumptions
 - Elements of a Crime
 - Presumption of Innocence
 - Habeas Corpus
 - Human Rights Legislation
 - Criminal Code
2. Criminal Justice Procedure
 - Investigation
 - Arrest and Bail
 - Prosecution
 - Defences
 - Trial and Sentencing
3. Specific Offences
 - Crimes Against Person
 - Crimes Against Property
 - Crimes Against Public Order

Topic Three: Tort Law

1. Definition
2. Intentional Torts
 - Trespass
 - To Person
 - To Goods
 - To Land
 - Nuisance
 - Defamation
3. Unintentional Torts
 - Negligence
 - Duty of Care
 - Standard of Care
 - Proximate Cause and Remoteness
 - Foreseeability
 - Liability
4. Responsibility for the Torts of Others
 - Business
 - Personal
 - Motor Vehicles
5. Defences
 - Intentional Torts
 - Unintentional Torts
6. Civil Court Procedures and Settlements

Topic Four: Business Law

1. Review of Contracts
 - Elements of a Valid Contract
 - Offer and Acceptance
 - Form and consideration
 - Genuineness of consent
 - Legal capacity
 - Legal purpose
2. Business Structure and Organizations
 - Sole Proprietorship
 - Partnership
 - Corporation
 - Cooperative
 - Others, e.g., Credit Unions, Societies
3. The Consumer and Business
 - Caveat Emptor/Caveat Venditor
 - Protective Legislation

Topic Five: Current Topics and Issues

1. Citizenship and Immigration
2. Environmental Law
3. Privacy
4. Helping Agencies
5. Law of Native People
6. Laws Affecting Travellers
7. Law Reform
8. Property Law
9. Family Law
10. Penology
11. International and Space Law
12. Study of a Selected Act, e.g.,
 Highway Traffic
 Narcotic Control
 Food and Drug
13. Controversial Issues, e.g.,
 Abortion
 Women's Property Rights
 Gun Control
14. Other Relevant Topics

V COURSE OUTLINE - LAW 30

Topic One: Legal Heritage

1. Need for Law

Individual

Societal

2. Historical Development of Western Law

Influence of Past Civilizations

Effect of Selected People and Events

Generalizations

Performance Objectives

The student:

Law is necessary to settle and prevent conflict.

- cites examples of the need for law in simplistic situations through to developed societies.

Law provides essential order for society and individuals.

Our law is based on history.

- traces the development of law, authority, and justice from the earliest time to the present.

Knowledge of the past helps us to understand the present and to plan for the future.

- explains the significance of the following and others:
 - a. Code of Hammurabi
 - b. Ten Commandments
 - c. Greek Civilization
 - d. Roman XII Tables
 - e. English Common Law
 - f. Magna Carta
 - g. French Civil Code
 - h. BNA Act
 - i. Statute of Westminster
- interprets the influence of selected people on our law, e.g.,
 - a. Plato
 - b. Aristotle
 - c. William the Conqueror
 - d. John Locke
 - e. Thomas Hobbes
 - f. Montesquieu
- constructs a timeline of significant events and people from Hammurabi to the Statute of Westminster.

3. Canadian Legal Framework

BNA Act

Judiciary Decisions

Custom and Usage

Statutes

4. Classification of Legal System

Court System in Alberta

Enforcing Agencies

Helping Agencies

Generalizations

Performance Objectives

The student:

Canadian legal system is derived from a number of sources.

- identifies and explains with examples the four sources from which our laws are derived.

There are numerous ways to classify laws according to purpose or form.

- explains with examples various systems of classifying laws.

In Canada there is hierarchy of courts with elements in common hearing both criminal and civil cases terminating in the Supreme Court of Canada.

- charts the court system in Alberta, illustrating the powers of each classification.

All legal systems require enforcing agencies.

- describes duties and authority of various enforcing agencies, e.g., police, court officials, government regulatory bodies.

Law related agencies are available to the individual in conflict with self and society.

- identify helping agencies in the community, e.g., John Howard Society, Ombudsman, Legal Aid.

Topic Two: Criminal Law

1. Scope of Criminal Law

History

Fundamental Assumptions

Elements of a Crime

Presumption of Innocence

Habeas Corpus

Human Rights Legislation

Criminal Code

2. Criminal Justice Procedure

Investigation

Arrest and Bail

Generalizations

Performance Objectives

The State, drawing upon universally accepted morals and principles, formulates laws defining certain acts or omissions as criminal law to prohibit and restrain anti-social behaviour.

The student:

- traces the evolution of criminal law through selected legislation in history from 499 A.D. to 1960, e.g., Trial by Ordeal, Magna Carta, Canadian Bill of Rights;
- explains the principles of criminal law, e.g., public prosecution, crown responsibility and presumption of innocence;
- demonstrates use of Canadian Criminal code.

The Canadian Criminal Justice System is concerned with the processing of the offender through police, court system, and penal system.

- explains the primary police functions of crime prevention, crime detection and apprehension of offenders, and maintenance of law and order in the community;
- discusses the effect of police discretion;
- debates loss of liberty in the light of suspicion, questioning, and searching;
- examines the Bail Reform Act and principles of reasonable bail pending trial appearance;

Prosecution

Defences

Trial and Sentencing

3. Specific Offences

Crimes Against Person

Crimes Against Property

Crimes Against Public Order

Generalizations

Performance Objectives

The student:

- distinguishes between proceeding by way of summary conviction and by way of indictment;
- evaluates the legal maxim of presumption of innocence until proven guilty beyond a reasonable doubt;
- explains and gives examples of major defences open to the accused such as general denial, mistake of fact, compulsion;
- demonstrates by mock trial the trial procedure;
- discusses critically the principles of sentencing with regard to retribution, deterrence, resocialization and prevention.
- analyzes the basic function of criminal law to protect people against personal violence;
- traces the early history of protection of property rights as a primary function of criminal law up to today's approach;
- debates the relation between offences against the state and offences against public order where danger to the whole or part of society is obvious and direct.

Within the structure of the Canadian Criminal Code there is broad interpretation and application by judges.

Topic Three: Tort Law

1. Definition

2. Intentional Torts

Trespass
 To Person
 To Goods
 To Land

Nuisance

Defamation

Generalization

Performance Objectives

The student:

Individuals in our society have a responsibility to one another. If the standard of care between individuals falls below that which a "reasonable man" would do, with or without intent, the injured party may proceed in tort against the defendant.

- defines the meaning of a tort and analyzes the standard of a "reasonable man";
- describes the various steps involved in civil litigation;
- differentiates between and gives examples of torts and crimes;
- discusses critically the theory of the "unbroken chain of events" in tort law;
- constructs a poster to illustrate a "famous" legal saying that affects tort law.

Intentional interference with another person, their public reputation, their land, their chattels, their property, or the enjoyment of their property constitutes a tort.

- differentiates between intentional and unintentional torts;
- explains and identifies intentional interference with people;
- distinguishes between various classifications of land owners and their conflicts with trespassers;
- cites examples of conversion, detinue and trover;
- distinguishes between "finders keepers" and "accidental loss" in the case of true ownership.
- defines nuisance and cites examples;
- distinguishes between "libel and slander" as defamatory statements.

3. Unintentional Torts

Negligence

Duty of Care

Standard of Care

Proximate Cause and Remoteness

Liability

4. Responsibility for the Torts of Others

Business

Personal

Motor Vehicles

5. Defences

Intentional Torts

Unintentional Torts

Generalizations

Performance Objectives

Individuals have a duty of care to one another and falling below that standard, however accidental, may result in liability.

The student:

- defines the four elements of negligence and gives examples;
- differentiates between obligations of the owner and driver of an automobile;
- differentiates between invitees, licensees, trespassers, and the occupiers' liability to each.
- illustrates how manufacturers can be held liable for torts;
- identifies examples of strict liability.

In certain situations individuals may be held liable for the civil wrongs of others.

- gives examples where the law holds someone responsible for the acts of others;
- distinguishes between when a parent can be held liable and when a parent is not liable for the acts of his child.

With few exceptions, the onus is on the plaintiff to prove the defendant is liable for civil wrongs.

- identifies and illustrates examples where the defendant is "guilty until he proves himself innocent".
- explains and gives examples of the defences to unintentional torts and intentional torts;
- cites examples of what constitutes an allurement.

6. Civil Court Procedures and Settlements

Generalizations

Performance Objectives

The student:

There are certain remedies available to an injured party through our court system.

- outlines the procedure in civil litigation;
- defines and gives examples of various classifications of damages;
- illustrates the application of injunctions.

Topic Four: Business Law

1. Review of Contracts

Elements of a Valid Contract

- Offer and Acceptance
- Form and Consideration
- Genuineness of consent
- Legal capacity
- Legal purpose

Specialty Contracts

2. Business Structure and Organizations

Sole Proprietorship

Partnership

Corporation

Cooperative

Others, e.g., Credit Unions, Societies

3. The Consumer and Business

Caveat Emptor/Caveat Venditor

Protective Legislation

Generalizations

Performance Objectives

The student:

Contracts provide structure and formality to commitments between and among parties.

Certain business interactions may require government legislation.

Laws impose responsibilities, restrictions, and provide privileges according to the type of ownership of the organization. Such laws may be imposed by various authoritative levels.

The law will not attempt the bargaining for the purchaser.

Definitions of responsibilities of industry to the consumer have been evolving at an increasing rate in keeping with the changing expectations of society.

- analyzes cases and contracts in terms of the five elements;
- explains with examples government involvement through statutes such as:
 - a) Conditional Sales
 - b) Sale of Goods
- defines the organizational structure;
- compares and discusses critically the positive and negative aspects both legal and economic;
- drafts in simplified form:
 - a. a partnership agreement
 - b. a corporation charter
 - c. a constitution for a club
- gives examples of laws and regulations imposed by the following levels of authority:
 - a. within the firm
 - b. municipal
 - c. provincial
 - d. federal
- analyzes and evaluates cases using the principle of caveat emptor/caveat venditor;
- cites the purposes of those acts commonly referred to as Consumer Law;
- lists and explains those government agencies that provide services and assistance to the consumer.

Topic Five: Current Topics and Issues

1. Citizenship and Immigration
2. Environmental Law
3. Privacy
4. Helping Agencies
5. Law of Native People
6. Laws Affecting Travellers
7. Law Reform
8. Property Law
9. Family Law
10. Penology
11. International and Space Law
12. Study of a Selected Act, e.g.,
 - Highway Traffic
 - Narcotic Control
 - Food and Drug
13. Controversial Issues, e.g.,
 - Abortion
 - Women's Property Rights
 - Gun Control
14. Other Relevant Topics

VI SUPPLEMENTARY STUDENT MATERIALS

A. AUDIOVISUAL

1. "Our Rights, Their Rights"

Ten videotape recordings produced by ACCESS Television in Alberta. Topics are: History of Law, Law in Alberta, Police Rights and Civil Privileges, The Law of Torts, Motor Vehicle Law, Criminal Law, Self-Defence, Courts--Part One, Courts--Part Two, Courts--Part Three.

Free dubbing of these tapes onto your videotape is available from either ACCESS North in Edmonton or ACCESS South in Calgary.

2. Law and Order: "Man's Search for Social Order"
Centre of the Humanities, Chicago, Illinois

Through the use of paintings and photographs this presentation tries to answer the question, "Why do people need laws?". (From Hammurabi to My Lai Trials." Excellent introduction to History of Law. Weakness: must be teacher-assisted as many students' historical background is not adequate.

B. BOOKS (in order of priority)

1. Jarmon, Drederick E., In Pursuit of Justice, John Wiley & Sons Canada, Limited, 1976. Excellent use of pro and con material on nine selected topical issues to stimulate classroom discussion and debate. Popular student reference.
2. Fitzgerald, Patrick, This Law of Ours, Prentice-Hall of Canada Ltd., 1977. Thought-provoking presentation of the Canadian Legal System based on a liberal arts approach. A worthwhile student resource book.
3. Spetz, Steven N., Can I Sue?, Pitman Publishing Corporation, 1974. Excellent in-depth study of torts.
4. Chapman, F. A. R., Fundamentals of Canadian Law, Second Edition, McGraw-Hill Ryerson Limited, 1974. Basic resource reference with study guide and facts well organized which is particularly attractive to the teacher.
5. Jennings and Zuber, Canadian Law, Second Edition, McGraw-Hill Ryerson Limited, 1972. Good technical textbook, useful in both Law 20 and 30.
6. Gibson and Murphy, All About Law, 1977, Wiley Publishers of Canada Limited.

7. Chapman, F. A. R., Issues in Canadian Law, McGraw-Hill Ryerson Limited, 1973; A simpler version of Jennings and Zuber's book. Comes complete with study guide.
8. Velanoff, John, Law, A Case Study Approach, Pitman Publishing Corporation, 1968.
9. Zuber, Thomas G., Introduction to Canadian Criminal Law, McGraw-Hill Ryerson Limited, 1974. Deals with prosecution, defence, arrest, bail and specific offences with many cases. Excellent coverage of the criminal law section of this course.
10. Zuker and Callwood, The Law is Not For Women, Pitman Publishing Corporation, 1976. Presents personal law from the point of view suggested in the title.

Other reference material may be found listed in the Law 20 Curriculum Guide

VII TEACHER REFERENCES

1. Amirault and Archer, Management Law, P & O. Business Publications, 1975.
 Amirault and Archer, Canadian-Business Law, P & O Business Publications, 1975.
 Amirault and Archer, Canadian Consumer Law, P & O Business Publications, 1975.
 Amirault and Archer, Canadian Motel, Hotel and Restuarant Law,
 P & O Business Publications, 1975.
2. Gerlach and Lamprecht, Teaching About the Law, W.H. Anderson Company Cincinnati, 1975. Although this is an American text it has excellent examples of a wide variety of teaching strategies in law.
3. Abrams, Lubberts, Ozipko, A Handbook for Teaching Law, Volumes I, II, and III, Edmonton Public School Board, 1975.
4. Information Guide, The Criminal Justice System in Alberta, Revised Edition, 1977, Alberta Solicitor General.

VIII THE LAW CLASSROOM

It is highly desirable to use the same classroom for all law classes. Instructional materials are thus accessible for all students and a suitable classroom atmosphere can be created. A file for resource materials such as clippings, magazine articles and other pertinent items should be maintained. Establish a reference table, shelf or corner in the room where relevant law references and supplementary materials can be collected. Bulletin board space should be allotted for the display of law clippings and motivational items. Students should be involved in the collection and production of materials and bulletin board displays.

IX TEACHING ACTIVITIES AND STRATEGIES

1. Audiovisual Teaching Aids and Materials (commercial and self-produced VTR and slidetape presentations.)
2. Mock Trials
3. Role Playing (parliamentary procedure, court room situation, legal conflicts)
4. Case Study
5. Guest Speakers (representatives of each process of the law)
6. Field Trips
7. Interviews
8. Debates (formal and informal)
9. Discussion (panel, small group, large group, brain storming)
10. Posters and Bulletin Displays (commercial and class made)
11. Research (term paper, book reviews, booklets)
12. Reference File (current news items, student produced booklets, pamphlets)
13. Surveys and Questionnaires on Current Issues.

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